

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 4:02CR3172
)
Plaintiff,) **MEMORANDUM**
) **AND ORDER**
vs.)
)
BENITA CASARES,)
)
Defendant.)

The defendant has filed a motion to compel a specific performance of the plea agreement, for appointment of counsel, and for a hearing. The government has replied by brief suggesting that it is not in breach of the plea agreement, but it has also filed a motion to reduce the defendant's sentence under Rule 35. Therefore,

IT IS ORDERED that:

1. The defendant's motion to compel specific performance of the plea agreement and for hearing (filing 51) is denied without prejudice because it has been mooted by the government's filing of a motion to reduce the defendant's sentence. Therefore, Ms. Casares is not required to submit a response as contemplated by my earlier order. (Filing 53.)
2. The motion for appointment of counsel (filing 51) is granted and Alan Stoler is appointed to represent the defendant regarding the government's motion (filing 55) to reduce the defendant's sentence. The Federal Public Defender shall provide Mr. Stoler with a CJA voucher. Mr. Stoler shall promptly enter his appearance.
3. Government's counsel shall notify me when the motion to reduce the defendant's sentence (filing 55) is ripe.

4. The Clerk's office shall provide copies of this memorandum and order to counsel for the government and Mr. Stoler. My chambers shall provide Ms. Casares and the Federal Public Defender with a copy of this memorandum and order.

February 16, 2006.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge